

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Glen Johnson, Timothy Gillen, Kyle Jones, Steven Hall, Clayton Johnson, Mark Hubbard, Steve Piper, and Bill Patt as Trustees of the Operating Engineers Local #49 Health and Welfare Fund, Michael R. Fanning as a Fiduciary of the Central Pension Fund of the International Union of Operating Engineers and Participating Employers, Joseph Ryan, Bruce Carlson, Glen Johnson, Frank Frattalone, Lee Hiller, Tony Phillippi, Greg Waffensmith, Mark Ryan, as Trustees of the Local #49 International Union of Operating Engineers and Associated General Contractors of Minnesota Apprenticeship and Training Program, the Operating Engineers Local #49 Health and Welfare Fund, the Central Pension Fund of the International Union of Operating Engineers and Participating Employers, and the Local #49 International Union of Operating Engineers and Associated General Contractors of Minnesota Apprenticeship and Training Program,

Plaintiffs,

vs.

Charps Welding & Fabricating, Inc., Clearwater Energy Group, Inc. f/n/a C & G Holding Company of Clearbrook, Inc., C & G Construction Inc. of Clearbrook, Alpha Oil & Gas Services, Inc., and Kenneth Charpentier, individually,

Defendants.

Case No.: 14-CV-2081 (PAM/LIB)

NOTICE OF APPEAL

Pursuant to Fed. R. App. P. 3(c)(1) and 4(a), notice is hereby given that Glen Johnson, Timothy Gillen, Kyle Jones, Steven Hall, Clayton Johnson, Mark Hubbard, Steve Piper, and Bill Patt as Trustees of the Operating Engineers Local #49 Health and Welfare Fund, Michael R. Fanning as a Fiduciary of the Central Pension Fund of the International Union of Operating Engineers and Participating Employers, Joseph Ryan, Bruce Carlson, Glen Johnson, Frank Frattalone, Lee Hiller, Tony Phillippi, Greg Waffensmith, Mark Ryan, as Trustees of the Local #49 International Union of Operating Engineers and Associated General Contractors of Minnesota Apprenticeship and Training Program, the Operating Engineers Local #49 Health and Welfare Fund, the Central Pension Fund of the International Union of Operating Engineers and Participating Employers, and the Local #49 International Union of Operating Engineers and Associated General Contractors of Minnesota Apprenticeship and Training Program, Plaintiffs in the above-named case, hereby appeal to the United States Court of Appeals for the Eighth Circuit from the following:

1. Orders dated February 21, 2018 and March 8, 2018, denying the Trustees' request for discovery (Court Docket Nos. 262, 268); and
2. Order dated August 20, 2018, granting the Defendants' Motion for Summary Judgment and denying the Plaintiffs' Motion for Summary Judgment (Court Docket No. 311); and
3. The Judgment in a Civil Case entered in this action on August 21, 2018, (Court Docket No. 312).

Date: September 18, 2018

MCGRANN SHEA CARNIVAL
STRAUGHN & LAMB, CHARTERED

By s/ Carl S. Wosmek

Carl S. Wosmek (Atty. No. 300731)

Amy L. Court (Atty. No. 319004)

Christy E. Lawrie (Atty. No. 388832)

800 Nicollet Mall, Suite 2600

Minneapolis, MN 55402

Telephone: (612) 338-2525

Facsimile: (612) 339-2386

csw@mcgrannshea.com

alc@mcgrannshea.com

Attorney for Plaintiffs

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